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August 8, 2007

By Facsimile

The Honorable Patty Shwartz
United States Magistrate Judge
U.S. District Court
Post Office Building & U.S. Courthouse
50 Walnut Street
Room 10
Newark, NJ 07102

Re: Novartis et al. v. Roxane (2:06-cv-04125 (FSH)) ✓
Novartis et al. v. Taro et al. (2:06-cv-04178 (FSH)) ✓
Novartis et al. v. Breckenridge (2:06-cv-04199 (FSH))
Novartis et al. v. Teva et al. (2:06-cv-04200 (FSH))

Dear Judge Shwartz:

Pursuant to the Court's Order filed July 23, 2007, Plaintiffs have proposed, and Defendants have agreed, to a protocol for searching for internal documents concerning particle size, food effect and bioavailability of carbamazepine. The protocol is as follows:

Novartis will search two archives located in Basel, Switzerland (a pharmaceutical development archive and a clinical archive) for documents dated between January 1, 1981 and May 2, 2006 related to the effect of carbamazepine particle size on food effect or bioavailability. To the extent such documents exist, they will likely be in those two archives.

Novartis also will search its carbamazepine patent application files to determine the extent to which the attorneys who were involved in the prosecution of the applications leading to the '525 patent in suit were also involved in the carbamazepine applications. To the extent that overlap occurred, Novartis will review those carbamazepine application files and produce any non-privileged documents found therein that relate to the effect of carbamazepine particle size on food effect or bioavailability. However, documents concerning Tegretol XR will only be produced if they relate to the effect of particle size on food effect.

*Mr. Cull & Sander's
the parties
to follow this
agreed upon
order in August, 2007
Patty Shwartz
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In exchange, defendants will agree that their issues with respect to Novartis' internal carbamazepine documents are fully resolved.

Novartis has begun the process of identifying these documents, but at present is not able to estimate how long it will take to produce these documents.

Respectfully submitted,



Henry J. Renk

By facsimile: Counsel of Record

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